

1 Sanford Shatz State Bar No. 127229
 2 Sandy_Shatz@Countrywide.com
 3 5220 Las Virgenes Road, MS: AC-11
 4 Calabasas, California 91302
 5 Telephone: (818) 871-6062
 6 Fax: (818) 871-4669

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 8 Attorneys for Defendants Countrywide Bank, FSB and Angelo Mozilo
 9 [sued erroneously as "Angelo Mancello"]

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13
 14 LUZ-MARIA URZUA, CESAR) Case No.: C 07-05903 JSW
 15 ANCHANTE-MARTINELLI)
 16 Sramineus Homo, US Vessel) Hon. Jeffrey S. White
 17) Courtroom: 2
 18 Libellant,)
 19) Related Case No. C 07-5906 JSW
 20 V.) Related Case No. C 07-5932 JSW
 21) Related Case No. C 07-5931 JSW
 22 COUNTRYWIDE BANK, ANGELO) Related Case No. C 07-6349 JSW
 23 MANCELLO, PRESIDENT, US Vessel)
 24 DOES, ROES, and MOES 1-100 et al,) File Date: November 21, 2007
 25 US Vessel sand) Trial Date: Not Assigned
 26)
 27 Libellees,)
 28)

29
 30 Luz-Maria: Urzua, Cesar: Anchante-Martinetti) REPLY MEMORANDUM OF POINTS AND
 31 Lien Holder of the Vessel, the Real Party In) AUTHORITIES IN SUPPORT OF MOTION
 32 Interest, Lawful Woman, Man Injured Third) TO DISMISS BY COUNTRYWIDE BANK
 33 Party Intervener/Petitioner/Libellant,) AND ANGELO MOZILO
 34)
 35 V.)
 36)

37 COUNTRYWIDE BANK, ANGELO)
 38 MANCELLO, PRESIDENT, U.S. Vessel)
 39 DOES, ROES, and MOES 1-100 et al)
 40 US VESSELS)
 41 INDIVIDUALLY AND SEVERALLY)
 42 Third Party Defendants/Libellees)
 43)

MEMORANDUM OF POINTS AND AUTHORITIES

L. INTRODUCTION.

3 Defendants Countrywide Bank, FSB and Angelo Mozilo (collectively “Countrywide”)
4 moved to dismiss plaintiffs Luz Maria Urzua and Cesar Anchante-Martinetti’s (collectively
5 “plaintiffs”) complaint on the grounds that it failed to state a claim, was incomprehensible and
6 unintelligible, was uncertain, or in the alternative, a more definite statement was required.
7 Plaintiffs did not timely oppose the motion, implicitly conceding its merits. Subsequently,
8 plaintiffs filed a late opposition, which was received by Countrywide during counsel’s absence.
9 Upon his return to the office, counsel immediately reviewed the papers, and prepares this brief
10 reply for the court’s consideration.

11 Plaintiffs' opposition consists of several documents which do not address any of the
12 contentions in Countrywide's motion, point to no allegations in the complaint to show that any
13 portion of the complaint states a claim, and continues to assert additional phraseology that is
14 incomprehensible, or fails to state a claim of any type. Accordingly, Countrywide again
15 respectfully requests that the court grant the motion to dismiss in its entirety, or alternatively,
16 order plaintiffs to provide a more definite statement. 

18 | DATED: April 1, 2008

Bv:

SANFORD SHATZ
Attorneys for Defendants
Countrywide Bank, FSB and Angelo Mozilo
[sued erroneously as "Angelo Mancello"]

PROOF OF SERVICE

I am over the age of 18 years and not a party to the within action. I am employed by Countrywide Home Loans, Inc. My business address is 5220 Las Virgenes Road, MS: AC-11, Calabasas, California 91302.

On April 1, 2008, I served REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS BY COUNTRYWIDE BANK AND ANGELO MOZILO on each person or entity name below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Date of Mailing: April 1, 2008

Place of Mailing: Calabasas, California

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 8, 2008, at Calabasas, California.

Desiree Rais

SERVICE LIST

1
2 Luz-Maria Urzua
3 6787 Hillsview Drive
4 Vacaville, California 95688

Cesar Anchante-Martinetti
6787 Hillsview Drive
Vacaville, California 95688

5 Luz-Maria Urzua
6 419 Mason Street, Suite 208
7 Vacaville, California 95688

Cesar Anchante-Martinetti
419 Mason Street, Suite 208
8 Vacaville, California 95688

9 John J. Kralik, IV
10 Michael B. Wilson
11 Kralik & Jacobs
12 650 North Sierra Madre Villa Ave.
13 Suite 302
14 Pasadena, CA 91107

15 Jack R. Nelson
16 Keith David Yandell
17 Reed Smith LLP
18 1999 Harison Street, Suite 2400
19 Oakland, CA 94612